

## GENERAL LEAVE

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2847, and that I may include tabular material in the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

# COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 552 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2847.

□ 1523

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2847) making appropriations for the Departments of Commerce, Justice, Science, and Related Agencies for the fiscal year ending September 30, 2010, with Mr. BLUMENAUER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, June 16, 2009, amendment No. 8 offered by the gentleman from Illinois (Mr. SCHOCK) had been disposed of and the bill had been read through page 4, line 7.

Pursuant to House Resolution 552, no further general debate shall be in order.

No further amendment shall be in order except: (1) amendments numbered 3, 6, 19, 22, 25, 31, 35, 41, 59, 60, 62, 63, 69, 71, 93, 96, 97, 98, 100, 102, 111, 114, and 118 printed in the CONGRESSIONAL RECORD of June 15, 2009, which may be offered only by the Member who submitted it for printing or a designee, and (2) not to exceed 10 of the following amendments if offered by the ranking minority member of the Committee on Appropriations or his designee: amendments numbered 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 104, 105, 106, 107, and 108 printed in the CONGRESSIONAL RECORD of June 15, 2009. Each amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and opponent, and shall not be subject to a demand for division of the question. An amendment may be offered only at the appropriate point in the reading.

The Chair and ranking minority member of the Committee on Appropriations or their designees each may offer a pro forma amendment for the purpose of debate following consideration of any amendment previously described.

The Clerk will read.

The Clerk read as follows:

## BUREAU OF INDUSTRY AND SECURITY OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$100,342,000, to remain available until expended, of which \$14,767,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

## ECONOMIC DEVELOPMENT ADMINISTRATION ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, \$255,000,000, to remain available until expended.

## SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$38,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

## MINORITY BUSINESS DEVELOPMENT AGENCY MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$31,000,000: *Provided*, That within the amounts appropriated, \$900,000 shall be used for the projects, and in the amounts, specified in the table titled "Congressionally-designated items" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

## ECONOMIC AND STATISTICAL ANALYSIS

## SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$97,255,000, to remain available until September 30, 2011.

## BUREAU OF THE CENSUS SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$259,024,000.

## PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$7,115,707,000, of which \$206,000,000 shall be derived from available unobligated balances previously appropriated under this heading, to remain available until September 30, 2011: *Provided*, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include "some other race" as a category: *Provided further*, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities.

## NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$19,999,000, to remain available until September 30, 2011: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

## PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants, authorized by section 392 of the Communications Act of 1934, \$20,000,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed \$2,000,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

## UNITED STATES PATENT AND TRADEMARK OFFICE

## SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$1,930,361,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2010, so as to result in a fiscal year 2010 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2010, should the total amount of offsetting fee collections be less than \$1,930,361,000, this amount shall be reduced accordingly: *Provided further*,

That any amount received in excess of \$1,930,361,000 in fiscal year 2010, in an amount up to \$100,000,000 shall remain available until expended: *Provided further*, That from amounts provided herein, not to exceed \$1,000 shall be made available in fiscal year 2010 for official reception and representation expenses: *Provided further*, That in fiscal year 2010 and hereafter, from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That sections 801, 802, and 803 of division B, Public Law 108-447 shall remain in effect during fiscal year 2010: *Provided further*, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: *Provided further*, That from the amounts provided herein, not less than \$4,000,000 shall be available only for the USPTO contribution in a cooperative or joint agreement or agreements with a non-profit organization or organizations, successfully audited within the previous year, and with previous experience in such programs, to conduct policy studies, including studies relating to activities of United Nations Specialized agencies and other international organizations, as well as conferences and other development programs, in support of fair international protection of intellectual property rights.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY  
SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$510,000,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the "Working Capital Fund": *Provided*, That not to exceed \$10,000 shall be for official reception and representation expenses.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$124,700,000, to remain available until expended. In addition, for necessary expenses of the Technology Innovation Program of the National Institute of Standards and Technology, \$69,900,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$76,500,000, to remain available until expended, of which \$20,000,000 is for a competitive construction grant program for research science buildings: *Provided further*, That the Secretary of Commerce shall include in the budget justification materials that the Sec-

retary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than \$5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
OPERATIONS, RESEARCH, AND FACILITIES  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,198,793,000, to remain available until September 30, 2011, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2012: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition \$104,600,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the \$3,317,393,000 provided for in direct obligations under this heading \$3,198,793,000 is appropriated from the general fund, \$107,600,000 is provided by transfer, and \$11,000,000 is derived from recoveries of prior year obligations: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed \$228,549,000: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed \$41,944,000: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year: *Provided further*, That within the amounts appropriated, \$37,500,000 shall be used for the projects, and in the amounts, specified in the table titled "Congressionally-designated items" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

AMENDMENT NO. 19 OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I have an amendment at the desk, amendment No. 19, printed in the CONGRESSIONAL RECORD on June 15, 2009.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Ms. BORDALLO:

Page 13, line 11, after the dollar amount insert "(increased by \$500,000)".

Page 13, line 24, after the dollar amount insert "(increased by \$500,000)".

Page 13, line 25, after the dollar amount insert "(increased by \$500,000)".

Page 17, line 12, after the dollar amount insert "(reduced by \$500,000)".

The Acting CHAIR. Pursuant to House Resolution 552, the gentlewoman from Guam and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Guam.

Ms. BORDALLO. Mr. Chairman, I offer this amendment for the purposes of ensuring that not less than \$500,000 is appropriated to the National Oceanic and Atmospheric Administration for grants to be awarded in 2010 by the Secretary of Commerce for Western Pacific Fishery Demonstration Projects.

The amendment ensures funding is provided for this authorized, competitive-based grants program in fiscal year 2010. The Western Pacific Demonstration Projects program is authorized by Public Law 104-297, the Sustainable Fisheries Act. The program was funded at the maximum authorized level, \$500,000, each year from 1999 through 2005. My amendment would restart the program at this same level of funding.

Valuable and economically innovative projects in Western Pacific fisheries have been demonstrated and explored through this program in previous rounds of competition. The program is important to the communities represented on the Western Pacific Regional Fishery Management Council, which includes my own district, the Territory of Guam.

Mr. Chairman, the program's chief purpose, as authorized, is to establish not less than three and not more than five fishery demonstration projects to foster and promote traditional indigenous fishing practices. In the last rounds of competition in 2004 and 2005, five grants were awarded to applicants in the State of Hawaii, three each to American Samoa and the Commonwealth of the Northern Mariana Islands, and one for Guam.

I am grateful for the opportunity to offer this amendment, and I want to thank the distinguished gentleman from West Virginia (Mr. MOLLOHAN) and our colleague from Virginia, Mr. WOLF, and their staffs for their attention to this amendment.

□ 1530

I hope to secure their support today for the adoption of this amendment, and I look forward to working with them to ensure that this issue is addressed appropriately in conference.

And, finally, I want to state that the issue of protecting indigenous culture, as this amendment does, with respect to traditional fishing practices is important, not only to myself, but to our colleagues from CNMI, American Samoa and Hawaii.

I reserve the balance of my time.

Mr. WOLF. I ask unanimous consent to claim the time, but I am not in opposition.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. WOLF. I have no objection, and I just yield back the balance of the time.

Mr. MOLLOHAN. Will the gentlelady yield for purposes of accepting the amendment?

Ms. BORDALLO. Yes.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to the amendment, and we accept the amendment.

Ms. BORDALLO. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Guam (Ms. BORDALLO).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WOLF. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Guam will be postponed.

Mr. WOLF. Mr. Chairman, I strike the requisite number of words.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, as the ranking member on the committee, I feel an obligation just to make a comment to kind of put things in perspective, particularly as the American people are watching, because I think what we're doing today is setting a very bad and a dangerous precedent.

I've been around the House for a while, and I've been involved in debates on scores of appropriations bills. Traditionally, whether it's been Democrats or Republicans in the majority, we've had open rules on spending bills, and a respectful working relationship across the aisle; and that's the way it should be, and that's what the American people expect, a cooperative attitude and the opportunity for full scrutiny of how their tax dollars are being spent.

I didn't like the preprinting requirement for amendments that the majority instituted to start the appropriations process on the floor this session with the Commerce-Justice-Science bill. I supported an open rule so that every Member could have the opportunity to review the entire bill, and if there were programs that Members believed could be cut, then we could debate that amendment and the House could work its will.

So we started the process late last night to debate the preprinted amendments. And 21 minutes into the amendment debate, the chairman of the committee pulled the plug on that process and on the Members who, really, in good faith, followed the instructions of the preprinting. They went up; they did everything that was asked of them. The rules, Mr. Chairman, were then changed in the middle of the night, and

now we have even a more controlled process.

Members on my side, and I think if you kind of do unto others as you would have them do unto you can think, if you were in that situation and had gone through the same thing the guys on our side, Members on our side, how you would feel. Members on my side have the right to have their voice heard and offer amendments to control spending. Members on both sides had substantive, thoughtful amendments.

Members on my side have the right to have their voice heard and offer amendments, whatever they may be, to control spending or whatever. Members on both sides also have substantive and thoughtful amendments that were germane and in order, and now those Members have lost the opportunity to offer them.

For example, Mr. ROGERS from Michigan, who was an FBI agent, who went to Afghanistan, God bless him for taking the time for the oversight, who serves on the Intelligence Committee, had a very important amendment regarding an apparent policy initiative by this administration, to expand the practice of reading Miranda rights to detainees in the custody of the U.S. Armed Forces in Afghanistan. It's called global justice.

Mr. ROGERS wanted to talk about that and offer an amendment. And whether we would pass it or not, he had every right to do so. And now Mr. ROGERS and other Members have legitimate concerns about such policies. He simply wanted the opportunity to offer his amendment and let the House vote. He complied with the printing requirement. He testified late last night, sat up here late into the night, till 12:30 or 1 in the morning. He testified at the Rules Committee; and yet, now, Mr. ROGERS finds he is unable to even offer this amendment that deals with the whole fundamental issue of the war on terror, what's taking place in Afghanistan, and all these issues.

Closing, this is a departure from the traditional open rules and the comity that has characterized the appropriation process over the years.

If we can't even come up with a fair process to debate annual spending bills on this floor, how can we ever hope to ever, ever, ever find solutions to the big problems that this country has?

I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I did not want to get into this subject yet again, but I guess we have to.

I would like to put in perspective why we are here under these circumstances. As everyone in this Chamber understands, we have, for the last 4 months, been dealing with a national economic emergency, and an absolute crisis in terms of the war in the Middle East, especially in Pakistan and Af-

ghanistan. So this Chamber has been hugely occupied for 4 months.

And now, finally, after finishing our major economic leftovers from the previous year, we're now turning to the appropriations bill. The hard fact is that everyone says they want appropriation bills to be finished individually, not collectively, in an omnibus. And yet, we only have 6 weeks to accomplish that. We have to pass 12 major appropriation bills in 6 weeks and still leave enough time on the calendar to deal with health care, to deal with climate change, to deal with the military authorization bill, and several other crucial issues.

So Mr. HOYER, the majority leader, and I, went to our friends on the Republican side of the aisle, went to both the minority leader and the ranking member of the committee, and asked whether or not we could reach agreement that would enable us to meet that schedule. And we pointed out that the schedule that we have set requires that we set aside no more than about 8 or 9 hours to debate each of the bills with all of the amendments thereto.

We were told that they did not believe that they could participate in that kind of a tight schedule. So then we tried to proceed anyway.

We asked Members to prefile amendments so that every Member of this House would know what they were expected to vote on. We confronted the fact that 127 amendments were filed. That will take at least 23 or 24 hours, just to debate those amendments. And that blows the entire schedule for the entire 6 weeks.

One Member today said, "Well, what's wrong if it takes 40 hours to pass this bill?" The fact is that that would be one-third of the time remaining on the schedule for all 12 appropriation bills.

We've got an obligation to get our work done. And so what Mr. HOYER and I did was even offer the minority leader the opportunity, in a compressed number of amendments, to select their own amendments, any amendments they wanted. But they did not want to be limited in number or time. I don't fault them for it. I'm simply stating facts.

Now, we have one misunderstanding around here. We have the impression that somehow appropriation bills have always been considered in open rules. The fact is, I have a sheet here which shows 25 previous occasions where appropriations have been continued under structured or modified, or even closed rules. And this is only when Republicans were in control. This does not count the more than a dozen times under Democratic control, when we had significantly limited rules for appropriation bills, including the Foreign Operations bill, D.C., the Defense Bill, Interior and the Legislative Appropriations bill.

So I simply state this, not to get into a perennial argument, but to make clear we have tried every way we can to involve the minority. We've asked

them several times if they could participate in a compressed schedule.

I don't think that it's necessary to debate all of these bills for 40 hours. But we are giving—there are going to be 33 amendments offered to this bill under the rule, and only nine of them are Democratic amendments. The rest are Republican amendments. I think that's treating the minority especially fairly.

Mr. LEWIS of California. Would the gentleman yield?

Mr. OBEY. Sure.

Mr. LEWIS of California. I appreciate my colleague yielding. We had a discussion on the floor yesterday where you were essentially asking me this question: How can we get a handle on reasonably controlling the time, et cetera? And you and I have had back and forth regarding that whole discussion.

I appreciate your concern about the schedule here. But my goodness, when you have the number of amendments that we had filed on this bill, and we knew many of them would fall off, you and I discussed that between each other. But then the first amendment, to have that taking us back to the Rules Committee is incredible, and I can't quite believe you'd do that.

Mr. OBEY. Let me take back my time. Let me simply say that this is the third year that we've been in this situation where we've been filibustered by amendment, and we recognize a filibuster by amendment when we see it.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

#### PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$1,409,148,000, to remain available until September 30, 2012, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of the \$1,411,148,000 provided for in direct obligations under this heading \$1,409,148,000 is appropriated from the general fund and \$2,000,000 is provided from recoveries of prior year obligations: *Provided further*, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President

under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration Procurement, Acquisition, or Construction project having a total of more than \$5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

#### COASTAL ZONE MANAGEMENT FUND (INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

#### FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2009, obligations of direct loans may not exceed \$8,000,000 for Individual Fishing Quota loans and not to exceed \$59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: *Provided*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

#### DEPARTMENTAL MANAGEMENT SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official entertainment, \$60,000,000: *Provided*, That the Secretary, within 30 days of enactment of this Act, shall provide a report to the Committees on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: *Provided further*, That of the amounts provided to the Secretary within this account, \$5,000,000 shall not become available for obligation until the Secretary certifies to the House and Senate Committees on Appropriations that the Bureau of the Census has followed and met all standards and best practices, and all Office of Management and Budget guidelines related to information technology projects and contract management.

#### AMENDMENT NO. 3 OFFERED BY MS. MOORE OF WISCONSIN

Ms. MOORE of Wisconsin. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. MOORE of Wisconsin:

In title I, in the paragraph entitled "Salaries and Expenses" immediately following the heading "Departmental Management" insert "(reduced by \$4,000,000)" after "\$60,000,000".

Page 42, line 7, after "\$400,000,000" insert "(increased by \$4,000,000)".

In title II, in the paragraph entitled "Violence Against Women Prevention and Prosecution Programs" under the heading "State and Local Law Enforcement Activities Office on Violence Against Women" in the numbered item in the second proviso relating to legal assistance for victims as authorized by section 1201 of the 2000 Act, insert "(increased by \$4,000,000)" after "\$37,000,000".

The Acting CHAIR. Pursuant to House Resolution 552, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Mr. Chairman, my amendment increases funding for a critical program, the Violence Against Women Act Legal Assistance Program by \$4 million.

I would like to thank Representative POE for his diligent work on this amendment. And I also want to thank Representative MOLLOHAN for his commitment on this issue as well.

You know, we all make lawyer jokes, but to the women who face domestic violence and need legal representation to successfully flee their abusers, obtain orders of protection, and retain custody of their children, the lack of legal representation is definitely not a laughing matter.

Nearly 70 percent of the women who bravely take their abusers to court do so without legal representation. And too often, having an attorney present is the deciding factor in obtaining that lifesaving personal protection order or getting custody of your kids or receiving transitional housing.

It's a sad day when a family is forced to stay with their abuser because they don't know how to navigate through the court system.

Earlier this week, Mr. Chairman, I heard from Chris in Wisconsin, whose husband sent her to the emergency room a dozen times, broke her foot, held a gun to her head, and threatened to poison her four children before she was able to escape with the help of legal assistance after 5 long years of torture.

I also heard from Danielle of Madison, Wisconsin, who obtained a divorce from her wealthy attorney husband who repeatedly beat and stabbed her, but was left battling her husband's expensive attorney for custody 2 years after the divorce. Her effort to study the Wisconsin statutes and defend herself in court drew ridicule and rebuke from the judge. These are just a couple of examples.

I would like to yield to Mr. MOLLOHAN.

Mr. MOLLOHAN. I thank the gentlewoman, and thank her for her amendment.

Mr. Chairman, we are prepared to accept the amendment.

Mr. WOLF. Mr. Chairman, I claim the time in opposition, although I am not in opposition.

The Acting CHAIR. Without objection, the gentleman from Virginia is recognized for 5 minutes.

There was no objection.

Mr. WOLF. I yield to the gentleman from Texas, Judge POE, for 5 minutes.

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Mr. POE of Texas. I thank the gentleman for yielding, and I appreciate the gentlewoman from Wisconsin for her representation and hard work on this amendment.

Mr. Chairman, this amendment is a strong amendment, and it puts forth the proposition that victims' issues aren't partisan issues; they're people issues.

I strongly support this amendment to increase Legal Assistance for Victims by \$4 million. That doesn't sound like much, but it's a lot of money for victims of crime. It will bring the total Legal Assistance for Victims grants to \$41 million. This funding is offset by a \$4 million reduction from the Department of Commerce—Departmental Management, Salaries and Expenses account. I think that money would be better served in being given to the Legal Assistance for Victims rather than giving raises and salaries to this department.

These legal assistance grants provide much needed funding for domestic violence victims to seek protective orders, child custody, child support, and housing and public benefits assistance.

As I found during my 30 years as a prosecutor and as a judge, too often, domestic violence and sexual assault victims have to appear in court by themselves, alone. They don't have high-dollar lawyers pleading their cases or guiding them through the complex and often burdensome legal system that we have in all of our States and Federal courts. Instead, even though those who supposedly loved them chose to beat them up, they have to pay the price to fight their way through the legal system to request civil protection. This shouldn't be. We need to match civil justice with our criminal justice system.

The Civil Legal Assistance for Victims program provides funding to meet the legal needs of domestic violence and sexual assault victims. It is the only federally funded program designed to meet all of the legal assistance needs of victims. It is one of the most crucial and lifesaving programs in the Violence Against Women Act; yet it remains critically underfunded. The demand for legal services is so high that the Office on Violence Against Women receives almost 300 applications per year, but that office is only able to fund one-third of the total request.

We have a duty to protect the innocent and to make sure their voices are heard in our court system. We must ensure that victims are not further victimized by their abusers through the legal system in this country.

As founder and co-Chair of the bipartisan Victims' Rights Caucus, I support this amendment. I strongly urge its passage.

Ms. MOORE of Wisconsin. Well, thank you so much. I just want to mention again what an amazing partner Mr. POE has been with this initiative. Indeed, this is not a partisan issue.

Mr. POE mentioned that these funds will be drawn from the Department of Commerce's salaries and expenses, of which they're provided \$60 million. That's \$7 million over last year's funding. Of course, legal assistance programs have steadily declined since 2003, and only about a third of women who appear in court, the applicants who actually apply for this legal funding, actually receive funding. So this is really

critical funding and support to help these women leave their abusers.

For every Danielle and Chris who are able to free themselves of their abusers, there are four other women out there who are still being silenced because they don't have access to adequate legal representation. This \$4 million is very appreciated. It's not enough, but it's a great start. The legal assistance program is one of the most effective tools to ensure that battered women and children have a voice in our justice system. I urge support for this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wisconsin will be postponed.

The Clerk will read.

The Clerk read as follows:

#### HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of the Herbert C. Hoover Building, \$5,000,000, to remain available until expended.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$27,000,000.

#### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in

advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: *Provided further*, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. The requirements set forth by section 112 of division B of Public Law 110–161 are hereby adopted by reference.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. The Administration of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any state, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

This title may be cited as the “Department of Commerce Appropriations Act, 2010”.

#### TITLE II

#### DEPARTMENT OF JUSTICE

##### GENERAL ADMINISTRATION

##### SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$118,488,000 of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available

until expended: *Provided*, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: *Provided further*, That \$14,693,000 is for Department Leadership; \$8,101,000 is for Intergovernmental Relations/External Affairs; \$12,715,000 is for Executive Support/Professional Responsibility; and \$82,979,000 is for the Justice Management Division: *Provided further*, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: *Provided further*, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

AMENDMENT NO. 41 OFFERED BY MR. BOSWELL

Mr. BOSWELL. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. BOSWELL: In the item relating to "Department of Justice—General Administration—Salaries and Expenses", after the first dollar amount, insert "(reduced by \$2,500,000)".

In the item relating to the "National Criminal History Improvement program" in paragraph (25) under the heading "State and Local Law Enforcement Assistance", after the dollar amount, insert "(increased by \$2,500,000)".

The Acting CHAIR. Pursuant to House Resolution 552, the gentleman from Iowa (Mr. BOSWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa for 5 minutes.

Mr. BOSWELL. I would like to thank Chairman MOLLOHAN and Ranking Member WOLF for their hard work on H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010.

Mr. Chairman, this amendment would provide an increase of \$2.5 million for the National Criminal History Improvement Program. I have brought this issue to the floor for several years now, and it consistently receives bipartisan support.

I thank my colleagues for their continued support and for their commitment to law enforcement officers and public safety. I believe that this increase is incredibly important for law enforcement. We must ensure that the intelligence our officers are working off of is up to date and accurate.

The National Criminal History Improvement Program ensures that States improve their infrastructure to connect to the national records system. It helps protect our most vulnerable populations by improving law enforcement's ability to identify persons ineligible to hold positions involving children, the elderly or the disabled. The program also helps law enforcement officers protect our communities from individuals with histories of stalking and of committing acts of domestic violence. I think my colleagues will agree this is an important investment.

I would like to yield to the distinguished chairman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, let me simply say that I think, on this side of the aisle, the committee certainly agrees with the gentleman's assertions, and we would be happy to accept the amendment.

Mr. BOSWELL. We thank you.

With that, I would urge the adoption of this amendment.

I will reserve my time for any comments that might be made from the other side.

Mr. WOLF. Mr. Chairman, we have no objection to the amendment. We support the amendment.

Mr. BOSWELL. With that, I urge the adoption of the amendment, and I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

The Clerk will read.

The Clerk read as follows:

#### NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, \$44,023,000, of which \$2,000,000 shall be for reimbursement of Air Force personnel for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities: *Provided*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counterterrorism, and national security investigations and operations.

#### JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$109,417,000, to remain available until expended, of which not less than \$21,132,000 is for the unified financial management system.

#### TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, \$205,143,000, to remain available until expended: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

#### ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and

immigration-related activities, \$300,685,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account.

#### DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, \$1,438,663,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed \$5,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$84,368,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

#### UNITED STATES PAROLE COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$12,859,000.

#### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$875,097,000, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed \$10,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): *Provided further*, That of the amounts provided under this heading for the election monitoring program \$3,390,000, shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

#### SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$163,170,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the

Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$102,000,000 in fiscal year 2010), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at \$61,170,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, \$1,934,003,000: *Provided*, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$25,000,000 shall remain available until expended: *Provided further*, That of the amount provided under this heading, not less than \$36,980,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) concerning the prosecution of offenses relating to the sexual exploitation of children: *Provided further*, That of the amount provided under this heading, \$6,000,000 is for salaries and expenses for new assistant U.S. Attorneys to carry out additional prosecutions of serious crimes in Indian Country.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$224,488,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, \$210,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2009, so as to result in a final fiscal year 2009 appropriation from the Fund estimated at \$9,488,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,117,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$168,300,000, to remain available until expended, of which not to exceed \$10,000,000 is for construction of buildings for protected witness safesites; not to exceed \$3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed \$11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$11,479,000: *Provided*, That

notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), \$20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,138,388,000; of which not to exceed \$30,000 shall be available for official reception and representation expenses; of which not to exceed \$4,000,000 shall remain available until expended for information technology systems; and of which not less than \$12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$14,000,000, to remain available until expended.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, \$87,938,000; of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$528,569,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, \$7,718,741,000, of which \$101,066,000 is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed \$150,000,000 shall remain available until expended: *Provided*, That not to exceed \$205,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally owned buildings; and preliminary planning and design of projects; \$132,796,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$2,019,682,000; of which not to exceed \$75,000,000 shall remain available until expended; and of which not to exceed \$100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed \$40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,105,772,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which not to exceed \$10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title

18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2010: *Provided further*, That, beginning in fiscal year 2010 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM  
SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed \$31, of which 743 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$6,077,231,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2011: *Provided further*, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

AMENDMENT NO. 25 OFFERED BY MR. ROE OF  
TENNESSEE

Mr. ROE of Tennessee. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. ROE of Tennessee:

Page 38, line 13, after the dollar amount, insert "(reduced by \$97,400,000)".

The Acting CHAIR. Pursuant to House Resolution 552, the gentleman from Tennessee (Mr. ROE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. ROE of Tennessee. I yield myself 2½ minutes.

Mr. Chairman, I believe the level of spending in this bill is irresponsible in light of our deficits, but I also know my view is in the minority. This is about priorities and it is about morals.

This year, we are going to pass \$1.8 trillion in new debt on to our children's generation. I would argue that passing this level of debt on to our next generation is immoral. So far, there has been not one iota of interest in setting pri-

orities from the majority. Instead, they've chosen to fund everything generously and call that priority setting. That's their prerogative. They won the election, and they are entitled to run our Nation's credit card well past its limit to never-before-seen levels.

When it comes to spending in budgets, it is clear from debates that there is no interest in adopting Republican ideas by my friends on the other side of the aisle, so I went to a source you might not think a Republican would look at: President Obama's budget.

The President has requested nearly \$6 billion for the Federal prison system. The Democratic Congress has increased that by \$97.4 million.

We are trying to support the President and show a little bit of fiscal restraint by adopting the President's budgeted level. In percentage terms, this means we are growing at 6.8 percent instead of 8.6 percent. If it passes, the amendment's impact will not be huge, but it sends a message, however small, that this Congress is not completely tone deaf to the concerns about the deficit of runaway spending.

It is important to note this is not a vote on whether to cut the program. It is a vote on whether to provide the program the President's proposed increase or to provide it the Democratic leadership's proposed increase.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in strong opposition to this amendment.

Indeed, this would be a huge impact on the Bureau of Prisons. There is not an agency in this bill that is in greater need of additional salaries and expenses money. This amendment would eliminate \$97.4 million, the increase for the Bureau of Prisons' salaries and expenses account that the committee provided above the budget request.

The amount of the increase was not pulled out of thin air. It was precisely calculated based on an in-depth analysis by the Appropriation Committee's surveys and investigations staff to be the minimum amount necessary to restore BOP's base budget, which has been progressively hollowed out in recent years by inadequate budget requests.

□ 1600

Without this \$97.4 million, the Bureau of Prisons will be unable to hire additional correctional officers, which it desperately needs, and will likely be unable to activate two newly constructed prisons. The BOP simply cannot sustain another year without additional prison capacity and staffing. The Bureau of Prisons prisoner population is currently 37 percent above the rated capacity for BOP facilities, and the prisoner-to-staff ratio is an appalling

4.9 to 1. A ratio of 3.2 to 1 is the average for the States, which is far better than the average that the Bureau of Prisons used to approach.

Not only does inadequate investment in Federal prisons result in unsafe working conditions for prison staff, as we have seen from attacks and even fatalities in our prison system, it also makes it impossible to do the kind of reentry programming necessary to reduce recidivism. The result is more crime in our communities and a higher long-term cost to the taxpayer of future incarceration.

I am really not exaggerating, Mr. Chairman, when I say that there is no other agency in the bill for which I am more confident about the need for additional resources. I urge our Members in as strong as possible terms to reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I yield myself 1 minute.

I certainly understand the budget constraints. I've been a mayor, had a jail system under my supervision, and I also know that around this Nation there are cities and States that are dealing with budget deficits never before seen, and here is the only place in the world I have ever seen where we raise it almost 9 percent and then give the President exactly what he wanted and call that a draconian cut. It is not.

We should show some fiscal restraint here in the House as an example to the people around this country, families and cities and municipalities and States, that are working hard to balance their budget. In my own hometown they're doing that by making real cuts, not making huge increases and reducing it somewhat. This is a very minimal cut, and not a cut actually but a reduction, and exactly what the President of the United States asked for.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I urge opposition to the amendment, and I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. ROE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. ROE of Tennessee. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

The CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Virginia for yielding time to me in this debate. And, Mr. Chair-

man, there's a lot more time that should be yielded for this debate, and it should have been yielded within the original agreement that came from the Rules Committee.

This appropriations bill didn't come to this floor under an open rule, which has been the deep and long-standing tradition of the House of Representatives. It came to the floor under a structured open rule and under the request that said print your amendments into the RECORD and then there will be 5 minutes debate on each side, and we'll go down through all of those.

Now, anybody would have known that all the amendments that were printed in the RECORD would not have been offered. But I will also submit this, and it hasn't been said here, I don't believe, Mr. Chairman, that these amendments that were printed into the RECORD laid out the entire amendment strategy of the minority party. And the majority party then took their leisure to thumb down through the amendments and decided that they didn't want to have debate on a good number of them, which brings us to this point.

When the chairman of the Appropriations Committee earlier mentioned some 20 times that this Congress has deviated from an open rule on appropriations, it was unclear to me whether the chairman actually included unanimous consent agreements, which have been a fairly consistent component of the open rule process. Not a structured rule, not something that was rigid and devised in the beginning, at least not something that was unnegotiated, as this was, but a unanimous consent agreement that allows any Member to object. That isn't the case that we are dealing with here.

So I am trying to track the logic of what amendments were approved and which ones weren't approved. And I will tell you there is no logic in this minority party except in the idea that we have to go up in that little room up there in the Rules Committee and sit down for 3 hours and wait for an opportunity to ask that stacked Rules Committee for an opportunity just to offer an amendment here on the floor of the House of Representatives. There's no way you can go home and say to your constituents, I'd have liked to have done a good job representing you, but I didn't have an opportunity even to offer an amendment, let alone perfect something and get a legitimate debate or a vote.

So I analyzed these 124 remaining amendments after this fiasco last night that lasted into this morning and came up with some of these statistical data, which is interesting, I think, to this Congress: Out of these 124 amendments, 20 of 23 were about money approved by the Rules Committee. So that would tell me that Democrats don't mind voting for more spending. That's a clear conclusion that one can draw because of the 94 amendments that were rejected by the Rules Committee, none of

them can be characterized as spending amendments exclusively; they're policy amendments.

And in that includes amendments that would have blocked Federal funding for ACORN, an organization that has all the appearances of a criminal enterprise, that has admitted to producing over 400,000 fraudulent voter registrations, that has been involved in intimidating lenders, and now seem to be under the employment of the White House for the United States Census. And we can't get a debate on this and can't get a vote on an amendment like that? And we can't have a discussion in this Congress about the intelligence impasse that has been created because of the allegations against the CIA made by the Speaker of the House? And we are supposed to operate a government with these huge policy issues that hang in front of us and do a specious debate on spending in which everything that's offered by the minority party that reduces the spending is going to be voted down by the majority party. Because why? They said let's have a debate on that. They're eager to vote for more spending. And this bill, which increases funding under these titles from last year by \$12 billion, an expansive growth of government, and now shutting down the debate here in the House of Representatives.

If we move on from this appropriations process without a rule that allows for debate, and we're going to accept the argument that comes from the chairman of the Appropriations Committee that this has happened before, I can guarantee you, Mr. Chairman, this is going to happen again and again and again and no Member can ask again. If they don't stand up and defend themselves now, it will be less reason the next time and less reason the next time, and we're settled into a mode where the committee that would rule will be the one, I think, which is directed from above, with no cameras in the room, seldom even a reporter in the room, but Members of Congress sitting there in little chairs waiting for their chance to say, Oh, please, could I just offer my amendment here on the floor of the House of Representatives?

You can't run a government that way. It's not consistent with our constitutional Republic. It would cause indigestion with all of our Founding Fathers to see what's going on here in this Congress today. It's got to stop, and we have got to get back to a regular order that allows for open rules and legitimate debate. And we can face this debate, win or lose. Let's do it the right way, Mr. Chairman.

I again thank the gentleman from Virginia for yielding.

The CHAIR. The Clerk will read.

The Clerk read, as follows:

#### BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force

account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$96,744,000, to remain available until expended, of which not less than \$71,358,000 shall be available only for modernization, maintenance and repair, and of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

#### FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

#### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

#### STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

#### OFFICE ON VIOLENCE AGAINST WOMEN

#### VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); and for related victims services, \$400,000,000, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided

(1) \$200,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) \$18,000,000 shall be for transitional housing assistance grants for victims of do-

mestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act; and

(B) \$3,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(2) \$60,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(3) \$13,000,000 for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(4) \$41,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(5) \$9,500,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(6) \$37,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(7) \$4,250,000 for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(8) \$14,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(9) \$6,750,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(10) \$3,000,000 for an engaging men and youth in prevention program, as authorized by section 41305 of the 1994 Act;

(11) \$1,000,000 for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act;

(12) \$3,500,000 for services to advocate and respond to youth, as authorized by section 41201 of the 1994 Act;

(13) \$3,000,000 for grants to assist children and youth exposed to violence, as authorized by section 41303 of the 1994 Act;

(14) \$3,000,000 for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(15) \$1,000,000 for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act.

#### OFFICE OF JUSTICE PROGRAMS

#### SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, the Office of Justice Programs and the Community Oriented Policing Services Office, \$192,388,000, of which not to exceed \$15,708,000 shall be available for transfer to the Office on Violence Against Women; of which not to exceed \$139,218,000 shall be available for the Office of Justice Programs; and of which not to exceed \$37,462,000 shall be available for transfer to the Community Oriented Policing Services Office: *Provided*, That, notwithstanding section 109 of title I of Public Law 90-351, an additional amount, not to exceed \$21,000,000 shall be available for authorized activities of the Office of Audit, Assessment, and Management: *Provided further*, That the total amount available for management and administration of such programs shall not exceed \$213,388,000.

#### AMENDMENT NO. 31 OFFERED BY MR. NADLER OF NEW YORK

Mr. NADLER of New York. Mr. Chairman, I have an amendment at the desk made in order under the rule and preprinted in the CONGRESSIONAL RECORD on June 15.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. NADLER of New York:

Page 45, line 1, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 45, line 4, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 45, line 13, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 56, line 23, after the dollar amount, insert "(increased by \$5,000,000)".

Page 58, line 19, after the dollar amount, insert "(increased by \$5,000,000)".

Page 58, line 21, after the dollar amount, insert "(increased by \$5,000,000)".

The CHAIR. Pursuant to House Resolution 552, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER of New York. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of my amendment, which I offer with Representatives MIKE MICHAUD and CAROLYN MALONEY. The amendment increases by \$5 million the funding for the Debbie Smith DNA Backlog Grant Program and offsets that by a corresponding decrease in general operating expenses in the Office of Justice.

Unlike eyewitness testimony and other circumstantial evidence, DNA evidence provides scientific accuracy and assurance. It has resulted in the conviction of countless perpetrators of violent crimes and has freed hundreds of innocent people.

It is incredible that we can identify the guilty and exclude the innocent with certainty with just a little biological evidence and a scientific test. The problem, of course, is that you actually have to collect that biological evidence, do that test, and record that information. If you do not, the power of DNA evidence is unrealized.

Unfortunately, there is a backlog in the hundreds of thousands in the analysis of DNA evidence. This backlog includes untested samples from convicted offenders and from crime scenes, including rape kits.

When such a powerful tool as DNA evidence is unused, we must act. For years I have worked to reduce the DNA backlog and helped pass legislation to do just that. The Debbie Smith DNA Backlog Grant Program provides grants to States to collect DNA samples from offenders and crime scenes, including rape kits, to analyze those samples and to expand DNA laboratory capacity. That money is making a difference, and we must ensure that it continues to be available.

Congress provided \$151 million to the Debbie Smith DNA Backlog Grant Program for fiscal year 2009 and reauthorized the program at this level through fiscal year 2014. Unfortunately, this bill cuts this by \$5 million for the coming fiscal year to \$146 million, and my amendment would restore it to \$151.

While I understand the budgetary constraints faced by the Appropriations Committee, this program must

not be reduced when these grants mean protecting the lives of millions of innocent Americans and reducing the number of sexual assaults and rapes.

I want to thank my amendment co-sponsors, Representatives MICHAUD and MALONEY, for their help. I urge all Members to support the amendment.

Mr. MOLLOHAN. Will the gentleman yield?

Mr. NADLER of New York. I yield to the gentleman.

Mr. MOLLOHAN. The gentleman is correct. This is an important program, and we are inclined to accept his amendment.

Mr. NADLER of New York. I thank the gentleman.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. I rise to claim the time in opposition to the amendment though I'm not opposed.

The CHAIR. Without objection, the gentleman from Virginia is recognized for 5 minutes.

There was no objection.

Mr. WOLF. Mr. Chair, I reserve the balance of my time.

Mr. NADLER of New York. Mr. Chairman, I now yield 1 minute to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. I thank the gentleman for yielding 1 minute.

The Debbie Smith Act provides State and local agencies funding to combat serious crimes such as rape, sexual assault, and murder. I would like to thank Congressman NADLER and Congresswoman MALONEY for their leadership on this very important issue. Our amendment will fully fund this valuable program.

Each untested DNA sample represents a missed chance to keep these violent offenders off our streets. In one case in California, a repeat sex offender raped a woman. Before the test could be processed by the State crime lab, the perpetrator attacked two additional women and a child as well. In Maine we have a backlog of over 4,000 samples that need to be analyzed. Without additional funding many of our cold cases will go unsolved and this backlog will continue.

I urge my colleagues to support this very important amendment.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. NADLER of New York. Mr. Chairman, I now yield 1 minute to the distinguished gentleman from New York (Mrs. MALONEY).

□ 1615

Mrs. MALONEY. I rise in strong support of the Nadler-Michaud-Maloney amendment that would fully fund the Debbie Smith DNA backlog grant program. And I applaud all like-minded men who are standing up in leadership roles to fund what many have called the most important anti-rape violence against women prevention bill ever to pass this Congress, the Debbie Smith Act. I particularly applaud my colleague from New York who has been a

gladiator in support of women's issues, a strong defender and has worked hard to help us in many ways.

I applaud Congressman MOLLOHAN for providing \$146 million earlier this year for the Debbie Smith grant program. I must say that this bill, which I authored with Mark Green on the other side of the aisle, was truly a bipartisan mission, and it has saved lives. Every single unprocessed rape kit represents a victim who has been denied justice and a predator who remains at large, free to attack other women. The program's funding has been increased by \$5 million for fiscal year 2010.

It has been an honor working with my good friends to deliver full funding for this vital anti-crime, protection-of-women, anti-rape legislation. I urge my colleagues to stand with us and support this important amendment. I applaud my like-minded male leaders who have stood so strong to protect and defend women from violence and one of the worst crimes of all—rape.

Mr. WOLF. I yield back the balance of my time.

Mr. NADLER of New York. I yield myself the balance of my time.

Mr. Chairman, in closing I want to thank Chairman MOLLOHAN for accepting the amendment, I want to thank the gentleman from Virginia for not opposing it, and I want to encourage all Members to support this important increase in funding so we can reduce the DNA testing backlog, we can put guilty people behind bars, we can free innocent people, we can prevent future rapes and sexual assaults, and make our country safer.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

The Clerk will read.

The Clerk read as follows:

#### JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 "the 1968 Act"; the Juvenile Justice and Delinquency Prevention Act of 1974 "the 1974 Act"; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Second Chance Act of 2007 (Public Law 110-199); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002

(Public Law 107-296), which may include research and development; and other programs (including the Statewide Automated Victim Notification Program); \$226,000,000, to remain available until expended, of which:

(1) \$60,000,000 is for criminal justice statistics programs, and other activities, as authorized by title I of part C of the 1968 Act, of which \$41,000,000 is for the National Crime Victimization Survey; and

(2) \$48,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act;

(3) 12,000,000 is for the Statewide Victim Notification System of the Bureau of Justice Assistance;

(4) \$45,000,000 is for the Regional Information Sharing System, as authorized by part M of title I of the 1968 Act; and

(5) \$61,000,000 is for the Missing Children's Program, as authorized by sections 404(b) and 405(a) of the 1974 Act.

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); the Second Chance Act of 2007 (Public Law 110-199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403); and other programs; \$1,312,500,000, to remain available until expended as follows:

(1) \$529,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, as amended, shall not apply for purposes of this Act), of which \$5,000,000 is for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, \$2,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, and \$10,000,000 is for activities related to comprehensive criminal justice reform and recidivism reduction efforts by States;

(2) \$300,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5));

(3) \$30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) \$124,000,000 for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation) which shall be used for the projects, and in the amounts specified in the table titled "Congressional-designated Items" in the report of the

Committee on Appropriations of the House of Representatives to accompany this Act ;

(5) \$40,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(6) \$2,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(7) \$10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386 and for programs authorized under Public Law 109-164;

(8) \$45,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(9) \$7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(10) \$15,000,000 for prison rape prevention and prosecution and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108-79);

(11) \$30,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(12) \$5,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405, and for grants for wrongful conviction review;

(13) \$12,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416);

(14) \$47,000,000 for assistance to Indian tribes, of which—

(A) \$10,000,000 shall be available for grants under section 20109 of subtitle A of title II of the 1994 Act;

(B) \$25,000,000 shall be available for the Tribal Courts Initiative; and

(C) \$12,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants;

(15) \$20,000,000 for economic, high technology and Internet crime prevention grants, as authorized by Section 401 of Public Law 110-403;

(16) \$15,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(17) \$2,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(18) \$3,000,000 for grants to improve the stalking and domestic violence database, as authorized by section 40602 of the 1994 Act;

(19) \$1,000,000 for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act;

(20) \$3,500,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(21) \$1,000,000 for grants for televised testimony, as authorized by part N of title I of the 1968 Act;

(22) \$15,000,000 for programs to reduce gun crime and gang violence;

(23) \$25,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That \$1,500,000 is for related research, testing, and evaluation programs;

(24) \$20,000,000 for grants to assist State and tribal governments as authorized by the NICS improvement Amendment Act of 2007 (Public Law 110-180); and

(25) \$10,000,000 for the National Criminal History Improvement program for grants to upgrade criminal records:

*Provided*, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

#### WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Office of Weed and Seed Strategies, \$15,000,000, to remain available until expended, as authorized by section 103 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

#### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.), the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the PROTECT Our Children Act of 2008 (Public Law 110-401), and other juvenile justice programs, \$385,000,000, to remain available until expended as follows:

(1) \$75,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(2) \$68,000,000 for grants and projects, as authorized by sections 261 and 262 of the 1974 Act which shall be used for the projects, and in the amounts, specified in the table titled "Congressionally-designated items" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act;

(3) \$80,000,000 for youth mentoring grants;

(4) \$62,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$25,000,000 shall be for the Tribal Youth Program;

(B) \$10,000,000 shall be for a gang education initiative; and

(C) \$25,000,000 shall be for grants of \$360,000 to each State and \$4,840,000 shall be available for discretionary grants, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) \$20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(6) \$55,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State;

(7) \$18,000,000 for Community-based violence prevention initiatives; and—

(8) \$7,000,000 for the Safe Start Program, as authorized by the 1974 Act:

*Provided*, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided*

*further*, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

#### PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the "Salaries and Expenses" account), to remain available until expended; and \$5,000,000 for payments authorized by section 1201(b) of such Act to remain available until expended; and \$4,100,000 for educational assistance, as authorized by section 1218 of such Act to remain available until expended.

#### COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296), which may include research and development; and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177); the Second Chance Act of 2007 (Public Law 110-199); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (the "Adam Walsh Act"); and the Justice for All Act of 2004 (Public Law 108-405), \$802,000,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) \$32,000,000 for grants to entities described in section 1701 of title I of the 1968 Act, to address public safety and methamphetamine manufacturing, sale, and use in hot spots, and for other anti-methamphetamine-related activities: *Provided*, That within the amounts appropriated, \$17,900,000 shall be used for the projects, and in the amounts, specified in the table titled "Congressionally-designated items" in the report of Committee on Appropriations of the House of Representatives to accompany this Act: *Provided further* That within the amounts appropriated, \$10,000,000 shall be transferred to the Drug Enforcement Administration upon enactment of this Act: *Provided further*, That within the amounts appropriated, \$5,000,000 is for anti-methamphetamine-related activities in Indian Country;

(2) \$123,000,000 is for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment which shall be used for the projects, and in the amounts, specified in the table titled "Congressionally-designated items" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act;

(3) \$100,000,000 for offender re-entry programs, as authorized by the Second Chance Act of 2007 (Public Law 110-199), of which \$37,000,000 is for grants for adult and juvenile offender state and local re-entry demonstration projects, \$15,000,000 is for grants for mentoring and transitional services, \$10,000,000 is for re-entry courts, \$7,500,000 is for family-based substance abuse treatment, \$2,500,000 is for evaluation and improvement of education at prisons, jails, and juvenile facilities, \$5,000,000 is for technology careers training demonstration grants, \$13,000,000 is for offender reentry substance abuse and criminal justice collaboration, and \$10,000,000 is for prisoner reentry research;

(4) \$151,000,000 for DNA related and forensic programs and activities as follows:

(A) \$146,000,000 for a DNA analysis and capacity enhancement program and for other local, state, and Federal forensic activities including the purposes of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program); and

(B) \$5,000,000 for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412);

(5) \$40,000,000 for improving tribal law enforcement, including equipment and training;

(6) \$14,000,000 for Community Policing Development activities;

(7) \$28,000,000 for a national grant program the purpose of which is to assist State and local law enforcement to locate, arrest and prosecute child sexual predators and exploiters, and to enforce sex offender registration laws described in section 1701(b) of the 1968 Act, of which:

(A) \$15,000,000 is for sex offender management assistance as authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103-322); and

(B) \$1,000,000 is for the National Sex Offender Public Registry;

(8) \$16,000,000 for expenses authorized by part AA of the 1968 Act (Secure our Schools); and

(9) \$298,000,000 for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (g) and (i) of such section and notwithstanding 42 U.S.C. 3796dd-3(c).

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$75,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2011,

the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102-395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for Sentinel, or for any other major new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of debilitated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases currently under contract for development or fielding have completed a majority of the work for that phase under the performance measurement baseline validated by the integrated baseline review con-

ducted in 2008: *Provided*, That this restriction does not apply to planning and design activities for future phases: *Provided further*, That the Bureau will notify the Committees on Appropriations of any significant changes to the baseline.

SEC. 215. In addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings for "Justice Assistance", "State and Local Law Enforcement Assistance", "Weed and Seed", "Juvenile Justice Programs", and "Community Oriented Policing Services"—

(a) Up to three percent of funds made available to the office of Justice Programs for grants or reimbursement may be used to provide training and technical assistance; and

(b) Up to one percent of funds made available to such Office for formula grants under such headings may be used for research or statistical purposes by the National Institute of Justice or the Bureau of Justice Statistics, pursuant to, respectively, sections 201 and 202, and sections 301 and 302 of title I of Public Law 90-351.

SEC. 216. The Attorney General may, upon request by a grantee, waive the requirements of paragraph (1) of section 2976(g) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)) with respect to funds appropriated in this or any other Act making appropriations for fiscal year 2009 and 2010 for Adult and Juvenile Offender State and Local Reentry Demonstration Projects authorized under part FF of such Act of 1968.

SEC. 217. Section 5759 of title 5, United States Code, is amended by striking subsection (e).

SEC. 218. (a) Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

#### **"§5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation"**

"The Director of the Federal Bureau of Investigation may, under regulations prescribed by the Director, pay a cash award of up to 10 percent of basic pay to any Bureau employee who maintains proficiency in a language or languages critical to the mission or who uses one or more foreign languages in the performance of official duties."

(b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"§5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation."

This title may be cited as the "Department of Justice Appropriations Act, 2010".

#### TITLE III

#### SCIENCE

##### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601-6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,800 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$7,154,000.

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

##### SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; space

flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$4,496,100,000, of which not to exceed \$450,000,000 shall remain available until September 30, 2011.

#### AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$501,000,000, of which not to exceed \$50,000,000 shall remain available until September 30, 2011.

#### EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,293,200,000, of which not to exceed \$330,000,000 shall remain available until September 30, 2011.

#### SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$6,097,300,000, of which not to exceed \$610,000,000 shall remain available until September 30, 2011: *Provided*, That of the amounts provided under this heading, \$3,157,100,000 shall be for Space Shuttle operations, production, research, development, and support, \$2,267,000,000 shall be for International Space Station operations, production, research, development, and support, and \$496,500,000 shall be for Space and Flight Support.

#### EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$175,000,000, to remain available until September 30, 2011.

#### CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$70,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,164,000,000: *Provided*, That \$2,182,900,000 shall be available for center management and operations: *Provided further*, That notwithstanding 42 U.S.C. 2459j, proceeds from enhanced use leases that may be made available for obligation for fiscal year 2010 shall not exceed \$0: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to 42 U.S.C. 2459j: *Provided further*, That not less than \$50,000,000 shall be available for independent verification and validation activities: *Provided further*, That within the amounts appropriated \$15,700,000 shall be used for the projects, and in the amounts, specified in the table titled "Congressionally-designated Items" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

#### CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND REMEDIATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, \$441,700,000, to remain available until September 30, 2015: *Provided*, That within the funds provided, \$12,600,000 shall be available to support science research and development activities; \$69,900,000 shall be available to support exploration research and development activities; \$26,800,000 shall be available to support space operations research and development activities; and \$332,400,000 shall be available for cross agency support activities.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$35,000,000.

#### ADMINISTRATIVE PROVISIONS

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement by Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2010.

The unexpired balances of the Science, Aeronautics, and Exploration account, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

#### NATIONAL SCIENCE FOUNDATION

##### RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$5,642,110,000, to remain available until September 30, 2011, of which not to exceed \$570,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That from funds specified in the fiscal year 2010 budget request for icebreaking services, up to \$54,000,000 shall be available for the procurement of polar icebreaking services: *Provided further*, That the National Science Foundation shall only reimburse the Coast Guard for such sums as are agreed to according to the existing memorandum of agreement: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That not less than \$147,120,000 shall be available for activities authorized by section 7002(b)(2)(A)(iv) of Public Law 110-69.

#### MAJOR RESEARCH EQUIPMENT AND FACILITIES

##### CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including authorized travel, \$114,290,000, to remain available until expended: *Provided*, That none of the funds may be used to reimburse the Judgment fund.

#### EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$862,900,000, to remain available until September 30, 2011: *Provided further*, That not less than \$65,000,000 shall be available until expended for activities authorized by section 7030 of Public Law 110-69.

#### AMENDMENT NO. 35 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 75, line 7, insert "": *Provided further*, That not less than \$32,000,000 shall be available until expended for the Historically

Black Colleges and Universities Undergraduate Program" before the period.

The CHAIR. Pursuant to House Resolution 552, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas, Mr. Chairman, the amendment is to the section of the bill pertaining to the National Science Foundation. Education activities at the National Science Foundation are appropriated at more than \$862 million. My amendment simply states that of the amounts appropriated for National Science Foundation education activities, \$32 million shall be used for the Historically Black Colleges and Universities undergraduate program. The Congressional Budget Office has advised that the amendment will not affect the overall spending in this bill. The funding amount is equal to a modest 1.6 percent increase from last year's funding. It has been recommended by the administration and by the National Science Foundation.

I, along with my colleagues on the Congressional Black Caucus Education Task Force, believe that educational opportunities are a key for our national prosperity. "Give a man a fish, you feed him for today. Teach a man to fish, and you have fed him for a lifetime."

Support for the Historically Black Colleges and Universities undergraduate program is an investment in our human capital. This competitive grant program awards funds for curriculum enhancement, faculty development, undergraduate research, and institutional collaborations. Funds are used to encourage undergraduate students to pursue careers in science, technology, engineering and math—also called STEM fields.

Grants may also be used for initiatives to provide educational opportunities to develop well-educated math and science teachers. The funding level specified in my amendment will provide for an estimated two to four new teacher development projects. Highly qualified teachers have a firm grasp on the subject matter. They are able to capture their students' imaginations and get them excited about science. They demonstrate to the student that creative inquiry and rigorous investigation are the true heart of science. They stimulate, invigorate and inform their students of the value and accessibility of a career in STEM.

There is a shortage of math and science teacher-experts, especially in high-need school districts. Data by Dr. Michael Marder at the University of Texas has shown that African American students fall behind in math test performance, beginning in the fifth grade. Experts have testified before the Commerce-Science-Justice Subcommittee on this issue, and I am pleased to see report language in sup-

port of the greater outreach to students at the primary and middle school levels. I'm also pleased to see experienced-based science funding get more attention and support. Young, smart minority students represent a huge untapped resource for our domestic STEM workforce. In the United States, 39 percent of the people under age 18 are persons of color, and this percentage will continue to increase. There are great disparities that exist. Our top-tier scientific workforce suffers from a great lack of diversity.

For example, of all the employed Ph.D. engineers in this country, nearly 63 percent of them are Anglo, almost 3 percent are Hispanic, a pitiful 2 percent are African American, and less than 1 percent are Native American. These alarming statistics indicate that the current efforts are not enough. African American students drop off at every juncture in the STEM career pipeline, and we must do more to mitigate this loss.

The National Academy of Sciences is working to produce a report this fall which will provide policy recommendations on how to promote greater diversity in the STEM workforce. This report will discuss the barriers that minorities face in the STEM career pipeline, and it will provide suggestions on how to repair the leaks in that pipeline. The report is of great interest to me and to my 65 colleagues on the bipartisan House Diversity and Innovative Caucus.

We have sent letters to the Budget Committee, the Appropriations Committee and to the Office of Science and Technology Policy this year to try to get more attention on the issue on diversity. We are gaining momentum. We cannot ignore the fact that great disparities in STEM education and career achievement still persist.

The good news is that Historically Black Colleges and Universities are powerhouses when it comes to producing talented, well-educated science and math Ph.D. graduates. In 2006, 866 doctoral degrees in science and engineering were awarded to black students. One-third of those Ph.D.s were awarded at a Historically Black College or University.

□ 1630

As you can see, these institutions provide a relatively large portion of our terminal-degreed, minority STEM workforce. This educational model shall be rewarded with strong and sustained support.

About a year ago, I started the House Historically Black Colleges and Universities Caucus because I believe that these institutions deserve more attention for the good work that they do, and I'm not a graduate of any of them. That is why I am proud to offer this amendment.

I offer my voice on behalf of the 12.6 million black children in the United States. May each and every one of them experience educational excellence

and the real promise of a bright future. An investment in STEM education is an investment in our future competitors. I thank the gentleman.

Mr. MOLLOHAN. Will the gentlelady yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield.

Mr. MOLLOHAN. I thank the gentlelady for her leadership in this area with this amendment, and Mr. Chairman, we are inclined to accept the amendment.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. CULBERSON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

#### ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 19 by Ms. BORDALLO of Guam.

Amendment No. 3 by Ms. MOORE of Wisconsin.

Amendment No. 41 by Mr. BOSWELL of Iowa.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### AMENDMENT NO. 19 OFFERED BY MS. BORDALLO

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Guam (Ms. BORDALLO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 411, noes 14, not voting 14, as follows:

[Roll No. 353]

#### AYES—411

Abercrombie	Becerra	Bono Mack
Ackerman	Berkley	Boozman
Aderholt	Berman	Bordallo
Akin	Berry	Boren
Altmire	Biggert	Boswell
Andrews	Bilbray	Boucher
Austria	Bilirakis	Boustany
Baca	Bishop (GA)	Boyd
Bachus	Bishop (UT)	Brady (PA)
Baird	Blackburn	Brady (TX)
Baldwin	Blumenauer	Braley (IA)
Barrett (SC)	Blunt	Bright
Barrow	Bocchieri	Brown (GA)
Bartlett	Boehner	Brown (SC)
Barton (TX)	Bonner	Brown, Corrine

Brown-Waite, Ginny	Grijalva	McGovern	Schrader	Speier	Velázquez	Bordallo	Foster	Lummis
Buchanan	Guthrie	McHenry	Schwartz	Spratt	Visclosky	Boren	Fox	Lungren, Daniel E.
Burgess	Gutierrez	McHugh	Scott (GA)	Stark	Walden	Boswell	Frank (MA)	Lynch
Burton (IN)	Hall (NY)	McIntyre	Scott (VA)	Stearns	Wamp	Boucher	Franks (AZ)	Mack
Butterfield	Hall (TX)	McKeon	Sensenbrenner	Stupak	Wasserman	Boustany	Frelinghuysen	Maffei
Buyer	Halvorson	McMahon	Serrano	Sutton	Schultz	Boyd	Fudge	Maloney
Calvert	Hare	McMorris	Sessions	Tanner	Waters	Brady (PA)	Gallegly	Manzullo
Camp	Harper	Rodgers	Sestak	Tauscher	Watson	Brady (TX)	Garrett (NJ)	Marchant
Campbell	Hastings (FL)	McNerney	Shadegg	Taylor	Watt	Braley (IA)	Gerlach	Giffords
Cantor	Hastings (WA)	Meek (FL)	Shea-Porter	Teague	Waxman	Bright	Gingrey (GA)	Markey (CO)
Cao	Heinrich	Meeks (NY)	Sherman	Terry	Weiner	Broun (GA)	Gohmert	Markey (MA)
Capito	Heller	Melancon	Shinkus	Thompson (CA)	Welch	Brown (SC)	Gonzalez	Massa
Capps	Hensarling	Mica	Shuler	Thompson (MS)	Westmoreland	Brown, Corrine	Goodlatte	Matheson
Cardoza	Herger	Michaud	Shuster	Thompson (PA)	Wexler	Brown-Waite, Ginny	Gordon (TN)	Matsui
Carnahan	Herseth Sandlin	Miller (FL)	Simpson	Thornberry	Whitfield	Buchanan	Granger	McCarthy (CA)
Carson (IN)	Higgins	Miller (MI)	Sires	Tiahrt	Wilson (OH)	Burgess	Graves	McCarthy (NY)
Carter	Hill	Miller (NC)	Skelton	Tiberi	Wilson (SC)	Burton (IN)	Grayson	McCaul
Cassidy	Himes	Miller, Gary	Slaughter	Tierney	Wittman	Butterfield	Green, Al	McClintock
Castle	Hinche	Miller, George	Smith (NE)	Titus	Wolf	Buyer	Green, Gene	McCollum
Castor (FL)	Hinojosa	Minnick	Smith (NJ)	Tonko	Woolsey	Calvert	Griffith	McCotter
Chaffetz	Hirono	Mitchell	Smith (TX)	Towns	Wu	Camp	Grijalva	McDermott
Chandler	Hoekstra	Mollohan	Smith (WA)	Tsongas	Yarmuth	Campbell	Guthrie	McGovern
Childers	Holden	Moore (KS)	Snyder	Turner	Young (AK)	Cantor	Gutierrez	McHenry
Christensen	Holt	Moore (WI)	Souder	Upton	Young (FL)	Cao	Hall (NY)	McHugh
Clarke	Honda	Moran (KS)	Space	Van Hollen		Capito	Hall (TX)	McIntyre
Clay	Hoyer	Moran (VA)				Capps	Halvorson	McKeon
Cleaver	Hunter	Murphy (CT)				Capuano	Hare	McMahon
Clyburn	Inglis	Murphy (NY)	Arcuri	Foster	Perlmutter	Cardoza	Harper	McMorris
Coble	Inslee	Murphy, Patrick	Bean	Frank (MA)	Price (GA)	Carnahan	Hastings (FL)	Rodgers
Coffman (CO)	Israel	Murphy, Tim	Bishop (NY)	Hodes	Schauer	Carney	Hastings (WA)	McNerney
Cohen	Issa	Murtha	Carney	Jenkins	Walz	Carson (IN)	Heinrich	Meek (FL)
Cole	Jackson (IL)	Myrick	Connolly (VA)	Markley (CO)		Carter	Heller	Meeks (NY)
Conaway	Jackson-Lee (TX)	Nadler (NY)				Cassidy	Hensarling	Melancon
Conyers	Johnson (GA)	Neal (MA)	Adler (NJ)	Davis (TN)	Larson (CT)	Castle	Herger	Mica
Cooper	Johnson (IL)	Neugebauer	Alexander	Edwards (TX)	Lewis (GA)	Castor (FL)	Herseth Sandlin	Michaud
Costa	Johnson, E. B.	Norton	Bachmann	Giffords	Sánchez, Linda T.	Chaffetz	Higgins	Miller (FL)
Costello	Johnson, Sam	Nunes	Capuano	Harman		Chandler	Hill	Miller (MI)
Courtney	Jones	Nye	Cummings	Kennedy	Sullivan	Childers	Himes	Miller (NC)
Crenshaw	Jordan (OH)	Oberstar				Christensen	Hinche	Miller, Gary
Crowley	Kagen	Obey				Clarke	Hinojosa	Miller, George
Cuellar	Kanjorski	Olson				Clay	Hirono	Minnick
Culberson	Kaptur	Olver				Cleaver	Hodes	Mitchell
Dahlkemper	Kildee	Ortiz				Clyburn	Hoekstra	Mollohan
Davis (AL)	Kilpatrick (MI)	Pallone				Coble	Holden	Moore (KS)
Davis (CA)	Kilroy	Pascarell				Coffman (CO)	Holt	Moore (WI)
Davis (IL)	Kind	Pastor (AZ)				Cohen	Hoyer	Moran (KS)
Davis (KY)	King (IA)	Paul				Conaway	Hunter	Moran (VA)
Deal (GA)	King (NY)	Paulsen				Connolly (VA)	Inglis	Murphy (CT)
DeFazio	Kingston	Payne				Conyers	Inslee	Murphy (NY)
DeGette	Kirk	Pence				Cooper	Israel	Murphy, Patrick
Delahunt	Kirkpatrick (AZ)	Perriello				Costa	Issa	Murphy, Tim
DeLauro	Kissell	Peters				Costello	Jackson (IL)	Murtha
Dent	Klein (FL)	Peterson				Courtney	Jackson-Lee (TX)	Myrick
Diaz-Balart, L.	Kline (MN)	Petri				Crenshaw	Jenkins	Nadler (NY)
Diaz-Balart, M.	Kosmas	Pierluisi				Crowley	Johnson (GA)	Napolitano
Dicks	Kratovil	Pingree (ME)				Cuellar	Johnson (IL)	Neal (MA)
Dingell	Kucinich	Pitts				Culberson	Johnson, E. B.	Neugebauer
Doggett	Lamborn	Platts				Cummings	Johnson, Sam	Norton
Donnelly (IN)	Lance	Poe (TX)				Dahlkemper	Jones	Nunes
Doyle	Langevin	Polis (CO)				Davis (AL)	Jordan (OH)	Nye
Dreier	Larsen (WA)	Pomeroy				Davis (CA)	Lance	Oberstar
Driehaus	Latham	Posey				Davis (IL)	Kagen	Obey
Duncan	LaTourette	Price (NC)				Davis (KY)	Kanjorski	Olson
Edwards (MD)	Latta	Putnam				Davis (TN)	Kaptur	Olver
Ehlers	Lee (CA)	Quigley				Deal (GA)	Kildee	Ortiz
Ellison	Lee (NY)	Radanovich				DeFazio	Kilpatrick (MI)	Pallone
Ellsworth	Levin	Rahall				DeGette	Kilroy	Pascarell
Emerson	Lewis (CA)	Rangel				Delahunt	Kind	Pastor (AZ)
Engel	Linder	Rehberg				DeLauro	King (NY)	Paul
Eshoo	Lipinski	Reichert				Dent	Kingston	Paulsen
Etheridge	LoBiondo	Reyes				Diaz-Balart, L.	Kirk	Payne
Faleomavaega	Loebach	Richardson				Diaz-Balart, M.	Kirkpatrick (AZ)	Pence
Fallin	Lofgren, Zoe	Rodriguez				Dicks	Kissell	Perlmutter
Farr	Lowey	Roe (TN)				Dingell	Klein (FL)	Perriello
Fattah	Lucas	Rogers (AL)				Doggett	Kline (MN)	Peters
Filner	Luetkemeyer	Rogers (KY)				Donnelly (IN)	Kosmas	Peterson
Flake	Luján	Rogers (MI)				Doyle	Kratovil	Petri
Fleming	Lummis	Rohrabacher				Dreier	Kucinich	Pierluisi
Forbes	Lungren, Daniel E.	Rooney				Driehaus	Lamborn	Pingree (ME)
Fortenberry	Lynch	Ros-Lehtinen				Duncan	Lance	Pitts
Fox		Roskam				Edwards (MD)	Langevin	Platts
Franks (AZ)		Ross				Edwards (TX)	Larsen (WA)	Poe (TX)
Frelinghuysen		Rothman (NJ)				Ehlers	Latham	Polis (CO)
Fudge		Roybal-Allard				Ellison	LaTourette	Pomeroy
Gallegly		Royce				Ellsworth	Latta	Posey
Garrett (NJ)		Ruppersberger				Emerson	Lee (CA)	Price (GA)
Gerlach		Rush				Engel	Lee (NY)	Price (NC)
Gingrey (GA)		Ryan (OH)				Eshoo	Levin	Putnam
Gohmert		Ryan (WI)				Etheridge	Lewis (CA)	Quigley
Gonzalez		Sablan				Faleomavaega	Linder	Radanovich
Goodlatte		Salazar				Fallin	Lipinski	Rahall
Gordon (TN)		Sanchez, Loretta				Farr	LoBiondo	Rangel
Granger		Sarbanes				Fattah	Loebach	Rehberg
Graves		Scalise				Filner	Lofgren, Zoe	Reichert
Grayson		Schakowsky				Flake	Lowey	Reyes
Green, Al		Schiff				Fleming	Lucas	Richardson
Green, Gene		Schmidt				Forbes	Luetkemeyer	Rodriguez
Griffith		Schock				Fortenberry	Luján	Roe (TN)

## NOES—14

## NOT VOTING—14

□ 1657

Messrs. FRANK of Massachusetts, WALZ, and Ms. MARKEY of Colorado changed their vote from “aye” to “no.”

Messrs. KING of Iowa, ISRAEL, BARTON of Texas, TIM MURPHY of Pennsylvania, BROUN of Georgia, GARY G. MILLER of California and Ms. GRANGER changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 3 OFFERED BY MS. MOORE OF WISCONSIN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 4, not voting 10, as follows:

[Roll No. 354]

AYES—425

Abercrombie	Barrett (SC)	Bishop (GA)
Ackerman	Barrow	Bishop (NY)
Aderholt	Bartlett	Bishop (UT)
Akin	Bean	Blumenauer
Altmire	Becerra	Blunt
Andrews	Berkley	Bocieri
Arcuri	Berman	Boehner
Austria	Berry	Bonner
Baca	Biggart	Bono Mack
Bachus	Bilbray	Boozman
Baldwin	Bilirakis	

Bordallo	Boren	Boswell	Boucher	Boustany	Boyd	Brady (PA)	Brady (TX)	Braley (IA)	Bright	Broun (GA)	Brown (SC)	Brown, Corrine	Brown-Waite, Ginny	Buchanan	Burgess	Burton (IN)	Butterfield	Buyer	Calvert	Camp	Campbell	Cantor	Cao	Capito	Capps	Capuano	Cardoza	Carnahan	Carney	Carson (IN)	Carter	Cassidy	Castle	Castor (FL)	Chaffetz	Chandler	Childers	Christensen	Clarke	Clay	Cleaver	Clyburn	Coble	Coffman (CO)	Cohen	Conaway	Connolly (VA)	Conyers	Cooper	Costa	Costello	Courtney	Crenshaw	Crowley	Cuellar	Culberson	Cummings	Dahlkemper	Davis (AL)	Davis (CA)	Davis (IL)	Davis (KY)	Davis (TN)	Deal (GA)	DeFazio	DeGette	Delahunt	DeLauro	Dent	Diaz-Balart, L.	Diaz-Balart, M.	Dicks	Dingell	Doggett	Donnelly (IN)	Doyle	Dreier	Driehaus	Duncan	Edwards (MD)	Edwards (TX)	Ehlers	Ellison	Ellsworth	Emerson	Engel	Eshoo	Etheridge	Faleomavaega	Fallin	Farr	Fattah	Filner	Flake	Fleming	Forbes	Fortenberry	Fox	Franks (AZ)	Frelinghuysen	Fudge	Gallegly	Garrett (NJ)	Gerlach	Gingrey (GA)	Gohmert	Gonzalez	Goodlatte	Gordon (TN)	Granger	Graves	Grayson	Green, Al	Green, Gene	Griffith																																																																															
Foster	Fox	Frank (MA)	Franks (AZ)	Frelinghuysen	Fudge	Gallegly	Garrett (NJ)	Gerlach	Giffords	Gingrey (GA)	Gohmert	Gonzalez	Goodlatte	Gordon (TN)	Granger	Graves	Grayson	Green, Al	Green, Gene	Griffith	Grijalva	Guthrie	Gutierrez	Hall (NY)	Hall (TX)	Halvorson	Hare	Harper	Hastings (FL)	Hastings (WA)	Heinrich	Heller	Hensarling	Herger	Herseth Sandlin	Higgins	Hill	Himes	Hinche	Hinojosa	Hirono	Hodes	Hoekstra	Holden	Holt	Hoyer	Hunter	Inglis	Inslee	Israel	Issa	Jackson (IL)	Jackson-Lee	Jenkins	Johnson (GA)	Johnson (IL)	Johnson, E. B.	Johnson, Sam	Jones	Jordan (OH)	Kagen	Kanjorski	Kaptur	Kildee	Kilpatrick (MI)	Kilroy	Kind	King (NY)	Kingston	Kirk	Kirkpatrick (AZ)	Kissell	Klein (FL)	Kline (MN)	Kosmas	Kratovil	Kucinich	Lamborn	Lance	Langevin	Larsen (WA)	Latham	LaTourette	Latta	Lee (CA)	Lee (NY)	Levin	Lewis (CA)	Linder	Lipinski	LoBiondo	Loebach	Lofgren, Zoe	Lowey	Lucas	Luetkemeyer	Luján	Lungren, Daniel E.	Lynch	Mack	Maffei	Maloney	Manzullo	Marchant	Markey (MA)	Marshall	Massa	Matheson	Matsui	McCarthy (CA)	McCarthy (NY)	McCaul	McClintock	Green, Al	McCollum	McCotter	McDermott	McGovern	McHenry	McHugh	McIntyre	McKeon	McMahon	McMorris	Rodgers	McNerney	Meek (FL)	Meeks (NY)	Melancon	Mica	Michaud	Miller (FL)	Miller (MI)	Miller (NC)	Miller, Gary	Miller, George	Minnick	Mitchell	Mollohan	Moore (KS)	Moore (WI)	Moran (KS)	Moran (VA)	Murphy (CT)	Murphy (NY)	Murphy, Patrick	Murphy, Tim	Murtha	Myrick	Nadler (NY)	Napolitano	Neal (MA)	Neugebauer	Norton	Nunes	Nye	Oberstar	Obey	Olson	Olver	Ortiz	Pallone	Pascarell	Pastor (AZ)	Paul	Paulsen	Payne	Pence	Perlmutter	Perriello	Peters	Peterson	Petri	Pierluisi	Pingree (ME)	Pitts	Platts	Poe (TX)	Polis (CO)	Pomeroy	Posey	Price (GA)	Price (NC)	Putnam	Quigley	Radanovich	Rahall	Rangel	Rehberg	Reichert	Reyes	Richardson	Rodriguez	Roe (TN)

Rogers (AL)	Shea-Porter	Titus	Boozman	Forbes	Lucas	Rogers (AL)	Shea-Porter	Titus
Rogers (KY)	Sherman	Tonko	Bordallo	Fortenberry	Luetkemeyer	Rogers (KY)	Sherman	Tonko
Rogers (MI)	Shimkus	Towns	Boren	Poster	Lujan	Rogers (MI)	Shimkus	Towns
Rohrabacher	Shuler	Tsongas	Boswell	Poxx	Lummis	Rohrabacher	Shuler	Tsongas
Rooney	Shuster	Turner	Boucher	Frank (MA)	Lungren, Daniel	Rooney	Simpson	Turner
Ros-Lehtinen	Simpson	Upton	Boustany	Franks (AZ)	E.	Ros-Lehtinen	Sires	Upton
Roskam	Sires	Van Hollen	Boyd	Frelinghuysen	Lynch	Roskam	Skelton	Van Hollen
Ross	Skelton	Velázquez	Brady (PA)	Fudge	Mack	Ross	Slaughter	Velázquez
Rothman (NJ)	Slaughter	Visclosky	Brady (TX)	Gallegly	Maffei	Rothman (NJ)	Smith (NE)	Visclosky
Roybal-Allard	Smith (NE)	Walden	Braley (IA)	Garrett (NJ)	Maloney	Roybal-Allard	Smith (NJ)	Walden
Royce	Smith (NJ)	Walz	Bright	Gerlach	Manzullo	Royce	Smith (TX)	Walz
Ruppersberger	Smith (TX)	Wamp	Broun (GA)	Giffords	Marchant	Ruppersberger	Smith (WA)	Wamp
Rush	Smith (WA)	Wasserman	Brown (SC)	Gingrey (GA)	Markey (CO)	Rush	Snyder	Wasserman
Ryan (OH)	Snyder	Schultz	Brown, Corrine	Gohmert	Markey (MA)	Ryan (OH)	Souder	Schultz
Ryan (WI)	Souder	Waters	Brown-Waite,	Gonzalez	Marshall	Ryan (WI)	Space	Waters
Sablan	Space	Watson	Ginny	Goodlatte	Massa	Sablan	Speier	Watson
Salazar	Speier	Watt	Buchanan	Gordon (TN)	Matheson	Salazar	Spratt	Watt
Sanchez, Loretta	Spratt	Waxman	Burgess	Granger	Matsui	Sanchez, Loretta	Stark	Waxman
Sarbanes	Stark	Weiner	Burton (IN)	Graves	McCarthy (CA)	Sarbanes	Stearns	Weiner
Scalise	Stearns	Welch	Butterfield	Grayson	McCarthy (NY)	Scalise	Stupak	Welch
Schakowsky	Stupak	Westmoreland	Buyer	Green, Al	McCaul	Schakowsky	Sutton	Westmoreland
Schauer	Sutton	Wexler	Calvert	Green, Gene	McClintock	Schauer	Tanner	Wexler
Schiff	Tanner	Whitfield	Camp	Griffith	McCollum	Schiff	Tauscher	Whitfield
Schmidt	Tauscher	Wilson (OH)	Campbell	Grijalva	McCotter	Schmidt	Taylor	Wilson (OH)
Schock	Taylor	Wilson (SC)	Cantor	Guthrie	McDermott	Schock	Teague	Wilson (SC)
Schrader	Teague	Wittman	Cao	Gutierrez	McGovern	Schwartz	Terry	Wittman
Schwartz	Terry	Wolf	Capito	Hall (NY)	McHenry	Scott (GA)	Thompson (CA)	Wolf
Scott (GA)	Thompson (CA)	Woolsey	Capps	Hall (TX)	McHugh	Scott (VA)	Thompson (MS)	Woolsey
Scott (VA)	Thompson (MS)	Wu	Capuano	Halvorson	McIntyre	Sensenbrenner	Thompson (PA)	Wu
Sensenbrenner	Thompson (PA)	Yarmuth	Cardoza	Hare	McKeon	Serrano	Thornberry	Yarmuth
Serrano	Thornberry	Young (AK)	Carnahan	Harper	McMahon	Sessions	Tiahrt	Young (FL)
Sessions	Tiahrt	Young (FL)	Carney	Hastings (FL)	McMorris	Sestak	Tiberi	
Sestak	Tiberi		Carson (IN)	Hastings (WA)	Rodgers	Shadegg	Tierney	
Shadegg	Tierney		Carter	Heinrich	McNerney			
			Cassidy	Heller	Meek (FL)			
			Castle	Hensarling	Meeks (NY)			
			Castor (FL)	Herger	Melancon			
			Chaffetz	Hereth Sandlin				
			Chandler	Higgins				
			Childers	Hill				
			Christensen	Himes				
			Clarke	Hinchey				
			Clay	Hinojosa				
			Cleaver	Hirono				
			Clyburn	Hodes				
			Coble	Hoekstra				
			Coffman (CO)	Holden				
			Cohen	Holt				
			Cole	Honda				
			Conaway	Hoyer				
			Connolly (VA)	Hunter				
			Conyers	Inglis				
			Cooper	Inslee				
			Costa	Israel				
			Costello	Issa				
			Courtney	Jackson (IL)				
			Crenshaw	Jackson-Lee				
			Crowley	(TX)				
			Cuellar	Johnson (GA)				
			Culberson	Johnson (IL)				
			Cummings	Johnson, E. B.				
			Dahlkemper	Johnson, Sam				
			Davis (AL)	Jones				
			Davis (CA)	Jordan (OH)				
			Davis (IL)	Kagen				
			Davis (KY)	Kanjorski				
			Davis (TN)	Kaptur				
			Deal (GA)	Kildee				
			DeFazio	Kilpatrick (MI)				
			DeGette	Kilroy				
			Delahunt	Kind				
			DeLauro	King (IA)				
			Dent	King (NY)				
			Diaz-Balart, L.	Kingston				
			Diaz-Balart, M.	Kirk				
			Dicks	Kirkpatrick (AZ)				
			Dingell	Kissell				
			Doggett	Klein (FL)				
			Donnelly (IN)	Kline (MN)				
			Doyle	Kosmas				
			Dreier	Kratovil				
			Driehaus	Kucinich				
			Duncan	Lamborn				
			Edwards (MD)	Lance				
			Edwards (TX)	Langevin				
			Ehlers	Larsen (WA)				
			Ellison	Latham				
			Ellsworth	LaTourette				
			Emerson	Latta				
			Engel	Lee (CA)				
			Eshoo	Lee (NY)				
			Etheridge	Levin				
			Faleomavaega	Lewis (CA)				
			Fallin	Linder				
			Farr	Lipinski				
			Fattah	LoBiondo				
			Filner	Loeb sack				
			Flake	Lofgren, Zoe				
			Fleming	Lowey				

## NOES—4

Baird Cole  
Barton (TX) King (IA)

## NOT VOTING—10

Adler (NJ) Honda Sánchez, Linda  
Alexander Kennedy T.  
Bachmann Larson (CT) Sullivan  
Harman Lewis (GA)

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remain in this vote.

□ 1705

Mr. COLE changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 41 OFFERED BY MR. BOSWELL

The CHAIR. The unfinished business is the demand for a recorded vote on amendment No. 41 offered by the gentleman from Iowa (Mr. BOSWELL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 2, not voting 15, as follows:

[Roll No. 355]

## AYES—422

Abercrombie Baldwin Bilirakis  
Ackerman Barrett (SC) Bishop (GA)  
Aderholt Barrow Bishop (NY)  
Akin Bartlett Bishop (UT)  
Altmire Bean Blackburn  
Andrews Becerra Blumenauer  
Arcuri Berkley Blunt  
Austria Berman Bocieri  
Baca Berry Boehner  
Bachus Biggert Bonner  
Baird Bilbray Bono Mack

Barton (TX) Jenkins

## NOT VOTING—15

Adler (NJ) Lewis (GA) Schrader  
Alexander Murphy (CT) Shuster  
Bachmann Neugebauer Sullivan  
Harman Paul Young (AK)  
Kennedy Sánchez, Linda  
Larson (CT) T.

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. CROWLEY) (during the vote).

Two minutes remain in this vote.

□ 1712

Mr. BURGESS changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Chair, on June 17, 2009, I missed rollcall votes 351, 352, 353, 354 and 355 due to illness. Had I been present, I would have voted “aye” on all.

The CHAIR. The Clerk will read.

The Clerk read as follows:

## AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,200 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$299,870,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2010 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

## OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United